

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUPERT ORTEGA,

Plaintiff,

v.

No. CV 20-1245 WJ/CG

ANDREW M. SAUL,
Commissioner of the
Social Security Administration,

Defendant.

**ORDER GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DIRECTING SERVICE**

THIS MATTER is before the Court on Plaintiff Rupert Ortega's *Motion to Proceed In Forma Pauperis with Financial Affidavit Pursuant to 28 U.S.C. § 1915* (the "Motion"), (Doc. 4), filed December 1, 2020. The Court, having considered the Motion, finds that it is well-taken and should be **GRANTED**.

In the Motion, Mr. Ortega requests the Court allow him to proceed without prepaying costs and fees associated with his case because he is unable to pay. (Doc. 4 at 1). Mr. Ortega states that he receives only \$355 in monthly income, and his monthly financial obligations—homeowners' insurance, auto insurance, and groceries—exceed \$1,300. *Id.* at 1-3. As a result, Mr. Ortega's financial obligations exceed his monthly income by almost \$1,000. Mr. Ortega has thus demonstrated that he cannot pay the \$400 filing fee. See *Smith v. Hartley*, No. 2:17-cv-1021 JCH/KRS, 2017 WL 6372664, *1 (D.N.M. Dec. 12, 2017) ("While a litigant need not be absolutely destitute, an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs and still be able to provide for himself and dependents with the necessities of life.") (internal citation omitted).

IT IS THEREFORE ORDERED that this action is authorized to proceed without the prepayment of the filing fee, costs, or security therefore, pursuant to 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the Summons and Complaint on the United States Attorney, the Attorney General, and the Office of the General Counsel, in accordance with Fed. R. Civ. P. 4(c)(3).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE